

**North Carolina Wireless 911 Board
MINUTES
September 23, 2005**

<u>Members Present</u>	<u>Staff Present</u>	<u>Guest</u>
Carolyn Carter (NCLM)	Ron Adams ITS	Kathie Austin, Fiscal Research, LOB
Robert Cherry (Tarboro Police Chief)	Richard Bradford DOJ	Betty Dobson, Iredell Co 911
Joe Durham (NCACC)	Richard Taylor ITS	David Dodd, Cleveland Co 911
Belinda Gurkins (Sprint 911)	Leslie Tripp ITS	Paul Meyer, NCACC
Leigh Horner (Sprint/Nextel)		Steve Newton, Orange Co 911
David Keever (Alltel Wireless)		Andre Smith, Ayrtime
Phillip Penny (NCNENA)		
Steve Stoneman (ITS)		
Frank Thomason (NCAPCO)		
Pamela Tope (Verizon Wireless)		
Don Van Liew (Cingular)		
Allen Whitaker (Davie County Sheriff)		
<u>Members Absent</u>	<u>Staff Absent</u>	
George Bakolia (NC CIO)		

Chair's Welcoming Remarks:

Chairman Steve Stoneman called the meeting to order at 10:00 AM and welcomed everyone. He also welcomed Betty Dobson, the NCNENA representative selected to fill Phillip Penny's upcoming vacancy, to the Board.

Ethics Awareness/Conflict of Interest Statement:

Chairman Stoneman read the Conflict Of Interest Statement and asked if anyone had any conflicts. None were cited.

Approval of minutes

Chairman Stoneman asked for comments or corrections to the previous meeting minutes, and hearing none, asked for a motion to accept them as written. Frank Thomason so moved, David Keever seconded, and the motion carried.

Executive Director's Field Report

Richard Taylor prefaced his field report by noting that staff travel had been restricted by the Governor due to the gas supply shortage induced by hurricane Katrina, and that staff complied with that. He did, however, get to go to Ahoskie to perform the onsite inspection necessary to move ahead with the approval for their PSAP to become a primary PSAP, as discussed at the last meeting. He met with the Police Chief and the City Manager, who were very excited about moving forward.

Richard also noted that he attended his first meeting as a Board member of the North Carolina Geographic Information Council (NCGIC). He was appointed to that Board by Senator Basnight to be a representative from the NC Wireless 911 Board. He said there were approximately 25 people on that Board, representing various agencies or municipalities from across the state. They are looking at developing GIS mapping encompassing the entire state. Chairman Stoneman and Richard met with their Executive Director several months ago, trying to determine how we could fit in with them. Noting that one of the primary reasons PSAPs are not deploying Wireless Phase 2, Richard said he views this appointment as an opportunity for that Council to help us as we help the PSAPs. He added that he learned that ESRI has entered into a state contract with ITS, which he felt was very good news, since ESRI products tend to be expensive. He added that he thought it included reduced cost training, but deferred to Richard Bradford, who was directly involved in the contract negotiations, for details. Richard Bradford said that training was not part of the contract. He explained that local governments may use the contract established by the State without going through a competitive bid process, as allowed by statute, however the ESRI agreement does not address training, and was not intended to address training, particularly for the local government. They wish to do that in a separate services agreement, which is currently in discussion.

Richard Taylor next explained how staff had worked together to build the PSAP expenditure spread sheet discussed at the last meeting, to be used by the committee (still to be appointed) working on expenditure guidelines proposed at that same meeting. He has referred to that spread sheet in creating the Wireless 911 Expenditure presentation that he was scheduled to present at the NC APCO/NENA conference in Wilmington on September 13th, also proposed at that meeting. The conference was cut short because of hurricane Ophelia, and that presentation was cancelled. He closed his report by noting that H1261 had passed on August 23, 2005.

Trainer's Field Report

Ron Adams reviewed the bullet points on his field report, including Wireless 911 for Telecommunicators classes held since the last meeting, PSAP visits during the same time frame, and assisting Leslie in constructing the expenditure spread sheet already mentioned by Richard. He reported contacting CMRS providers that had not recently submitted deployment reports in an effort to update our deployment records, and closely examining Phase 1 deployments to determine why some providers are still not Phase 1 with some PSAPS. He noted that he, too, had attended the truncated NC APCO/NENA Annual Conference in Wilmington, explained current statewide penetration of the Wireless 911 for Telecommunicators and the steps he is taking to increase that penetration, and closed his report by referring to the updated class evaluation graphs on the last page of his report.

Status of State Legislation

Richard Taylor reiterated that H1261 was ratified, and is awaiting the Governor's signature. He added that he had hoped and expected that would happen this week, and had received information yesterday that it was supposed to happen either that afternoon or this morning, but that he has heard nothing more about it this morning. The deadline for Governor Easley to either sign it or veto it is Sunday, October 2. If he does neither by that time it will become law without his signature. We had an October 1 deadline for the carriers to reduce their surcharge per the legislation, but cannot authorize them to do so until the bill becomes law. Chairman Stoneman asked if it would be retroactive if the legislation didn't become law by that date, and Richard said he would defer to legal counsel to determine that. Leigh Horner interjected that the providers would have to bill their customers at the current rate, and implied that from a billing perspective it would be a major undertaking to give it back. Richard Bradford stated that it will be effective when he (the governor) signs it.

Richard Taylor added that H1261 was modified to incorporate some aspects of S1638, specifically Sections 9-11 at the end of the bill. This includes requesting a study commission review 911 services in North Carolina. He also reminded the Board that this legislation establishes the staggering of terms for Board members. By virtue of that, Richard said he would have to apologize to Phillip Penny, because in a technical sense, today, since the bill was not signed, Phillip was still a member of the Board. He added, however, that he had been told, and fully expected, that it would be signed before today. Richard added, "But I was working in the direction that everything was being done, and that is why Betty is here today, because Betty is the replacement for Phillip." Richard further added that the Speaker did not make any appointments, which would be the Sheriff (Whitaker) and Don (Van Liew), because he wanted to study it a little further. Richard pointed out that until those appointments are named, Sheriff Whitaker and Don Van Liew are still members of the Board. Chief Cherry and Betty Dobson were named by Senator Basnight, and the Governor has not made his appointment yet.

Chairman Stoneman asked if there were any questions, and David Kever pointed out Section 11.(a)(5) stating that the Joint Legislative Utility Review Committee shall study...Whether to designate the Community College System as the preferred provider of training for public safety answering point staff. He asked how that would affect the training that we're providing. Richard Taylor said, "We don't know," but noted that it is

under article 1, which does not affect wireless. Chairman Stoneman added that he was sure they are completely unaware of the training that we currently do. He also said one thing we should try to do is be proactive and get engaged with this committee as a Board as soon as possible.

Discussion on Funding of Burke County

Richard Taylor reported that Burke County has replied to the letter sent after our last meeting emphasizing the need to resolve the audit problems we have been experiencing with them. County Manager Ron Lewis has committed to a deadline of October 14th for having all the accounting up to date. A copy of that letter is in the agenda book. Chairman Stoneman asked what happens if that deadline is not met? Richard replied he supposed we would proceed with a collection action going through the State Treasurer's Office. Richard Bradford noted that in the past that has been done as an informal measure, and it was effective. He added that, "The Treasurer's office publishes, as I'm sure many of you know, occasionally, some advisory letters to the local governments to assist them in accounting practices and so forth. The Board could see if the Treasurer's office could assist in that regard, again, but there really is no formal mechanism. It's really like Congress's control of the purse: you control the purse strings, therefore you can control, possibly, how they respond. If they have issues to bring, they've been invited to do so. I'm not aware that they have done so." Richard Taylor attempted to sum up by noting that they appeared to him to be genuinely interested in meeting their deadline. Chairman Stoneman said that we will assume that they will meet the deadline, but if they don't, asked Richard to inform the Board immediately. Leigh Horner requested Richard inform the Board what the response is regardless of the outcome.

Pam Tope then asked, "Have we offered up resources?" Richard replied by summarizing what was discussed at the last meeting.. Pam added, "...because it doesn't serve our ultimate goal, or the community's ultimate goal, to pull back the funding and have them do nothing." Richard replied that he has been stressing to them that we don't want to pull their funding, but that they simply must account for their expenditures. He added we have offered every resource we have available and continue to offer them. He told them he and Leslie would be available for them any time between now and the 14th.

Next Generation 911 (NG911)

Richard Taylor reminded Board members that at our last meeting there had been discussion about NG911, and Chairman Stoneman asked for a brief presentation on the topic at today's meeting. He illustrated how complex the issue is by referring everyone to the huge impact VoIP has had in recent months, including the FCC legislation that sets a deadline (as with wireless before it) for VoIP provision of 911 information to PSAPS. He added that one of things he has been working on for the last 18 months at a National NENA level has been NG911, because our existing 911 telephony infrastructure is "ancient history." Richard then provided a brief PowerPoint presentation on the topic (a printout of which was provided in the agenda packet), illustrating both the limitations of the existing 911 infrastructure and the infinite possibilities provided by an IP based infrastructure, including, but not limited to, VoIP integration, video streaming,

call transfer with data, telematics information delivery, etc. He also pointed out that existing 911 funding mechanisms are becoming obsolete, and that entirely new models must be created and implemented to ensure continued 911 availability. Chairman Stoneman speculated that maybe the legislative study commission will be able to consider that in its deliberations. Richard agreed, saying that he views the convening of the study commission as an opportunity to revamp 911 in North Carolina, to really study it with all the players, not just from the PSAP perspective or the telco perspective. He feels it can be an opportunity for all the players to hash the details and build for the future. Chairman Stoneman then offered that this presentation is a good example of something that could be provided to the study commission to help its members understand these issues as they come down the road.

Update on FCC Activities

Richard Taylor reported that “there’s nothing to report as far as wireless right now from the FCC,” because all the attention right now is being directed to VoIP as the hot item. There have been a few issues as we see the December 31st deadline approach for wireless, but Richard said he hasn’t seen any waivers approved yet, though some have been filed. David Keever asked if any extensions had been granted for VoIP, and Richard replied that to the best of his knowledge, not yet. Richard Bradford said he had seen a number of petitions, but none approved. Belinda Gurkins asked if the deadline was for static and nomadic VoIP, or static alone. Richard Bradford stated that the rule did not make any distinction, but that the order that established the deadline did envision that there were technical issues associated with nomadic that might necessitate some further work.

Carolyn Carter asked Richard Taylor to remind her what was affected by the December 31st deadline. He and Leigh Horner teamed up on the reply, saying the CMRS providers are required to have 95% of their handsets in use Phase II compliant. Leigh Horner added that the requirement was just for carriers using handset location technology, not network based solutions.

Discussion of Committee and Presentation to Review Eligible Wireless 911 Expenses

Richard Taylor began by bringing attention to the Treasurer’s Office document entitled ‘Emergency 911 Charges for Fiscal Year Ending June 30, 2004’ under tab 9 in the agenda packet. He asked Board members to look at the fourth column, entitled ‘E-911 Fund Balance’, noting that the amounts in that column represented combined fund balances, both wireline and wireless. Leigh Horner asked what AFIR (in the heading on the left side of the sheet) stands for. Richard Taylor replied that although he didn’t know what each letter of the acronym stood for, he was sure that the data under that heading represented expenditures made using 911 surcharge money.

Richard Taylor commented that he found the data on the report very interesting. He noted that some people who have seen this document say, “Oh, that’s not right.” He added, however, that his experience has shown time and again that many PSAP managers do not know what their fund balances are, nor how the money is spent. He added that another common reaction is, “Oh, we spent a lot of that money this year.”

Richard acquiesced that such may be the case, as this data is more than a year old, but also pointed out that money is continually coming into these fund balances as well as going out.

At this time Carolyn Carter addressed Richard, saying, "...it is not in keeping with local government management for a 911 manager not to know what the funding is and what the fund balance is and what the expenditures are." Richard replied, "I wouldn't disagree with you a bit, but local governments...it's just the way they operate. Some of them are very open about those numbers and others are not open at all." Carolyn asked, "Internally?" Richard replied in the affirmative. He speculated that if he asked PSAP managers what their fund balances were, probably eight out of ten wouldn't know, and wouldn't even know where to look. Carolyn asked "...don't PSAP directors who work in local government know that the finance director is responsible for money?" Richard replied, "I cannot speak for them," to which Carolyn responded, "I really find that difficult to believe."

Leigh Horner asked Leslie Tripp if she mostly dealt with the finance directors when doing all the financials, adding, "I guess my question is does this (indicating the numbers on the 'Emergency 911 Charges for Fiscal Year Ending June 30, 2004' spread sheet) match up with what you know?" Leslie said, "Not always," and when Richard asked her how far off she would say the numbers are, she replied, "Anywhere from a dollar to a hundred thousand." Leslie added that sometimes these are auditor's reports and that although they do tie back to her reports, they are not as accurate in detail as her 'actual' reports. She added that when she sends the audit request letters every December, she does send a copy to the PSAP manager, but that references revenue for the previous year so it's not current. She also said when PSAP directors call her with questions, she is glad to share any information she has (respective to that PSAP) with them, then added, "It is unbelievable how these people (PSAP managers and finance officers) do not communicate."

Joe Durham then said, "All they've got to do is pick up the phone and give the finance director or budget director a phone call and they know exactly where they are." He added that that's a part of local government management, that in some instances they probably wouldn't know exactly what that number is, but it's a number that can be obtained very easily. Chief Cherry noted that he and his staff do that all the time. Joe added that you have to operate in that manner because there is a budget, and fiscal control is involved, and "everybody knows that." Richard and Leslie agreed wholeheartedly that it should operate that way, but reiterated that their experience was that PSAP manager/finance (budget) manager relationships fitting that description are a minority. Joe replied that he was not disagreeing with Richard and Leslie's experiences, but that he still just found that disconnect difficult to believe. Leslie observed that sometimes the finance director decides what expenditures are going to be made and not the PSAP director, and they just do it themselves...they don't contact the PSAP director.

Richard added that one of the things Leslie does do every year when she sends her audit request letters is to include what we show their fund balance to be, i.e. what it should be, so that they can 'true up' their records. Leslie said she has seen discrepancies as high as two or three hundred thousand dollars between our records

and PSAP records. Carolyn asked if this information goes to the city or county manager and the PSAP. Leslie explained that the 'truing up' is just between her and the finance directors, but that all other correspondences go to both the PSAP and the finance office. She said county managers are only brought into the picture if there is a problem getting information from the other sources.

Carolyn asked if the Treasurer's report had been sent to PSAP directors, and Richard explained that Leslie doesn't use the Treasurer's report. The Wireless expenditures and audits she works with are hands-on, in-house records. Leslie added that our information does not get sent to the Treasurer's office. It only goes to the PSAPs and finance directors. Richard added that we got this Treasurer's report (in the agenda packet) at the legislature, when the various 911 bills were being considered. It was provided to the legislators so they could understand what money was or was not actually out there, since various parties were claiming they had no money or little money and therefore could not stand to have the surcharge reduced.

Carolyn asked, "Who's ultimately accountable...the city or county manager?" Richard asked, "As far as the fund balances?" Carolyn replied, "As far as making sure these expenditures are in keeping with the legislation." Richard said that from the wireless perspective it falls upon us, going back with our audits to the county or the city. But on the wireline side, there is no one overseeing that.

Carolyn asked, "Is that something that would be appropriate to have a sub-group of the Board [to look at, since] you know, it's such a huge, huge problem." Richard reminded her that at our last meeting we talked about creating that sub-group, asking for volunteers, and that so far the only volunteer has been David Kever. Carolyn asked Richard, "And what was the mission?", to which he replied, "to look at the fund, what it's being used for, and what can we do about it." He added that staff has already looked at the 2004 expenditures according to the audits, creating a spread sheet showing where and how the money is being spent or not spent. He also reminded her that at the last meeting he had been asked to do a presentation on acceptable use of the fund at the NC APCO/NENA conference. He created that presentation, but Hurricane Ophelia took the opportunity to present it at the conference away from him by foreshortening the conference. Now, he is planning on taking it to each of the eighteen COG regions in the state. The presentation is geared toward promoting acceptable use of the money rather than condemning unacceptable use.

Richard observed that by categorizing the 2004 expenditures in the spread sheet, we have learned that many counties are not using the money for things they could be using it for, and that many others are not using it at all. He added that many of these counties are those who have been most vocal in the legislature about not having money to do things with. At that point Carolyn said, "Well I volunteer to be on the David Kever subcommittee." Leigh Horner asked Richard if he was necessarily looking at Board members exclusively, that if she knew someone who she felt would be really good and have a really good understanding of this, could she refer them to the committee? Richard said he would welcome subject matter experts from outside of the Board to join the committee.

Belinda Gurkins asked Richard once again what the purpose of the committee was, because she had thought from the last meeting that it was simply going to “determine the uses, or what you could spend your 911 money on.” Richard said, “That’s what we want to look at, what you can spend your money on, and do we need to make recommendations for changes, do we need to better educate, is what the legislation says clear enough, or is it broad enough, or does it need to be broader, or more defined, or more narrow?” He added that before we can do that we need to look at facts, not anecdotal evidence.

Moving on, he asked everyone to look at the summary sheet (in the agenda packet) prepared using data gleaned from the PSAP expenditure spread sheet mentioned above. He explained the breakout into expenses paid using 100% wireless fund money and expenses paid using the 40% shared resource allocator percentage. He underscored how frequently PSAPs were not using wireless fund money to pay for legitimate expenses, noting that some of the more vocal proponents of expanded use are among them.

Richard then introduced the Power Point he will be taking on the road to the eighteen COGs as mentioned above. He noted that letters were being sent to every county (or city) manager, every finance director, and every PSAP director in the state inviting them to attend these sessions. Joe Durham expressed the hope that the letters were compelling enough to encourage good participation, since it appears that lack of understanding what constitutes acceptable use is so widespread. Chairman Stoneman suggested including the current fund balance for each entity in each invitation in an effort to get that invitee’s attention. Richard displayed a sample invitation letter. Pam Tope interjected that including some statement outlining how an entity could maximize legitimate expenditures might attract attention and encourage participation. Richard said he would work on implementing those suggestions. Pam added that perhaps word of mouth could add to positive response, and speculated that other communications mediums could help spread that word of mouth. Richard agreed, saying that he hoped the listservs subscribed to by county or city managers, financial directors, and PSAP directors could serve that purpose. Carolyn Carter volunteered to post to the League of Municipalities listserv and the County Managers listserv if Richard would provide her with a sample posting. He agreed to do that, then launched into the presentation (a print-out of which was included in the agenda packet).

Upon completion of the presentation, Chairman Stoneman observed that maybe including some of the statistics Richard cited, both on the summary sheet mentioned above and on some of the slides in the presentation, in the invitation letters might motivate people to attend. Richard agreed to do that, and Chairman Stoneman commended him for a “good job.”

Web Page Updates

Ron Adams introduced a secure page created for Board member private access. He noted that when Richard assigned web page maintenance to him earlier in the year, Richard had indicated that he wanted to create such a secure page upon which to post upcoming meeting agenda books or documents for Board review. Web Services had instructed Ron to collect Board member email addresses to use for usernames and to

ask Board members for password preferences for him to enter using the administrative supervisor tool to create their accounts. Chairman Stoneman speculated that users should be able to create/change their own passwords, so Ron agreed to have web services implement that. Ron went on to illustrate what the page would look like, and Carolyn Carter asked why it needed to be secure, since the agenda was public information. Richard pointed out that he might want to solicit feedback from members prior to the finalization of an agenda before a meeting, and that the agenda technically does not become public information until the meeting takes place.

Status of Phase I and Phase II Wireless 911 in North Carolina

Richard Taylor reported that we are nearly 100% Phase 1 deployed, but that we still have a few individual CMRS providers who have not deployed in individual PSAPs. He added that he intends to meet the 100% deployment goal by December 31.

Proposed Meeting Dates for 2006

Richard Taylor noted that the dates proposed (in the agenda book) are not final, and that he would like any feedback so that he can make adjustments accordingly. He wants to have any adjustments in place for a vote at the December meeting.

Administrative Reports

Leslie Tripp said that everything was running smoothly, adding that Ahoskie did get all its paperwork in and would receive its first check next month. She offered to answer any questions, but received none.

Adjourn

Chairman Stoneman asked if there were any other business to come before the Board. Hearing none, he asked for a motion for adjournment. David Keever so moved, Frank Thomason seconded, and the motion carried.